



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/865,010	05/24/2001	Stephen S. Macey	WAT5-BI35

Price and Gess
2100 S.E. Main Street, Suite 250
Irvine, CA 92614-6238

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **Fig. 4** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (*37 CFR 1.17(h)*)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

H.T

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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AUG 02 2001
PATENT & TRADEMARK OFFICE

WAT5-BI35

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen S. Macey

Serial No.: 09/865,010

Filed: May 24, 2001

For: TWO-WAY RF REMOTE CONTROL

Examiner: Not Assigned

Group Art Unit: Not Assigned

August 2, 2001

Irvine, California 92614

**TRANSMITTAL OF PETITION TO SUBMIT
FIGURE 4 OF THE SPECIFICATION UNDER 37 CFR 1.182**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

Responsive to the Notice of Omitted Item(s) in a Nonprovisional Application dated July 25, 2001, enclosed please find the following:

A Petition to Submit Figure 4 of the Specification under 37 CFR 1.182 and a copy of the Notice.

A supplemental declaration of Stephen S. Macey, the inventor, referring to Figure 4 of the specification for the above-identified application. A formal drawing sheet containing Figure 4.

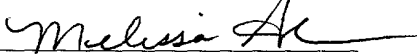
The required petition fee of \$130.00. Please charge any additional fees to our Deposit Account No. 16-2462. A duplicate copy of this letter is enclosed.

09865010-000001

Kindly contact the undersigned attorney at the listed telephone number if a telephone call would expedite matters.

I hereby certify that this correspondence is being deposited with the United States Postal Service Via Express Mail No. 852656584US in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 2, 2001.

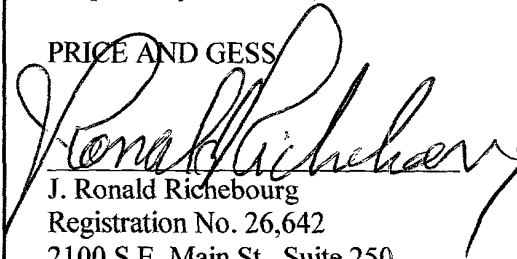
By: Melissa Sanchez


Signature

Date: August 2, 2001

Respectfully submitted,

PRICE AND GESS



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